

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 93

By: Smalley

4
5
6 AS INTRODUCED

7 An Act relating to medical treatment of child;
8 amending 10A O.S. 2011, Section 1-1-105, as last
9 amended by Section 1, Chapter 210, O.S.L. 2016, 1-4-
10 201, as amended by Section 3, Chapter 355, O.S.L.
11 2014, 1-4-203, as amended by Section 2, Chapter 173,
12 O.S.L. 2015, 1-4-306, as amended by Section 1,
13 Chapter 271, O.S.L. 2015, 1-4-603 and 1-4-703 (10A
14 O.S. Supp. 2016, Sections 1-1-105, 1-4-201, 1-4-203
15 and 1-4-306), which relate to definitions, emergency
16 custody, counsel and adjudication of deprived child;
17 modifying definitions; authorizing court to order
18 treatment for child under certain circumstances;
19 authorizing court to hold certain hearing; providing
20 for consideration of certain factors in determining
21 conditions for certain release; requiring certain
22 appointment prior to release of a child from state
23 custody under certain circumstances; construing
24 provisions; modifying timing of order for certain
examination; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-1-105, as
last amended by Section 1, Chapter 210, O.S.L. 2016 (10A O.S. Supp.
2016, Section 1-1-105), is amended to read as follows:

Section 1-1-105. When used in the Oklahoma Children's Code,
unless the context otherwise requires:

1 1. "Abandonment" means:

- 2 a. the willful intent by words, actions, or omissions not
3 to return for a child, or
4 b. the failure to maintain a significant parental
5 relationship with a child through visitation or
6 communication in which incidental or token visits or
7 communication are not considered significant, or
8 c. the failure to respond to notice of deprived
9 proceedings;

10 2. "Abuse" means harm or threatened harm to the health, safety,
11 or welfare of a child by a person responsible for the child's
12 health, safety, or welfare, including but not limited to
13 nonaccidental physical or mental injury, sexual abuse, or sexual
14 exploitation. Provided, however, that nothing contained in ~~this act~~
15 the Oklahoma Children's Code shall prohibit any parent from using
16 ordinary force as a means of discipline including, but not limited
17 to, spanking, switching, or paddling.

- 18 a. "Harm or threatened harm to the health or safety of a
19 child" means any real or threatened physical, mental,
20 or emotional injury or damage to the body or mind that
21 is not accidental including but not limited to sexual
22 abuse, sexual exploitation, neglect, or dependency.
23 b. "Sexual abuse" includes but is not limited to rape,
24 incest, and lewd or indecent acts or proposals made to

1 a child, as defined by law, by a person responsible
2 for the health, safety, or welfare of the child.

3 c. "Sexual exploitation" includes but is not limited to
4 allowing, permitting, encouraging, or forcing a child
5 to engage in prostitution, as defined by law, by any
6 person eighteen (18) years of age or older or by a
7 person responsible for the health, safety, or welfare
8 of a child, or allowing, permitting, encouraging, or
9 engaging in the lewd, obscene, or pornographic, as
10 defined by law, photographing, filming, or depicting
11 of a child in those acts by a person responsible for
12 the health, safety, and welfare of the child;

13 3. "Adjudication" means a finding by the court that the
14 allegations in a petition alleging that a child is deprived are
15 supported by a preponderance of the evidence;

16 4. "Adjudicatory hearing" means a hearing by the court as
17 provided by Section 1-4-601 of this title;

18 5. "Age-appropriate or developmentally appropriate" means:

19 a. activities or items that are generally accepted as
20 suitable for children of the same age or level of
21 maturity or that are determined to be developmentally
22 appropriate for a child, based on the development of
23 cognitive, emotional, physical, and behavioral

24

1 capacities that are typical for an age or age group,
2 and

3 b. in the case of a specific child, activities or items
4 that are suitable for that child based on the
5 developmental stages attained by the child with
6 respect to the cognitive, emotional, physical, and
7 behavioral capacities of the specific child.

8 In the event that any age-related activities have implications
9 relative to the academic curriculum of a child, nothing in this
10 paragraph shall be construed to authorize an officer or employee of
11 the federal government to mandate, direct, or control a state or
12 local educational agency, or the specific instructional content,
13 academic achievement standards and assessments, curriculum, or
14 program of instruction of a school;

15 6. "Assessment" means a comprehensive review of child safety
16 and evaluation of family functioning and protective capacities that
17 is conducted in response to a child abuse or neglect referral that
18 does not allege a serious and immediate safety threat to a child;

19 7. "Behavioral health" means mental health, substance abuse, or
20 co-occurring mental health and substance abuse diagnoses, and the
21 continuum of mental health, substance abuse, or co-occurring mental
22 health and substance abuse treatment;

23 8. "Child" means any unmarried person under eighteen (18) years
24 of age;

1 9. "Child advocacy center" means a center and the
2 multidisciplinary child abuse team of which it is a member that is
3 accredited by the National Children's Alliance or that is completing
4 a sixth year of reaccreditation. Child advocacy centers shall be
5 classified, based on the child population of a district attorney's
6 district, as follows:

- 7 a. nonurban centers in districts with child populations
8 that are less than sixty thousand (60,000), and
- 9 b. midlevel nonurban centers in districts with child
10 populations equal to or greater than sixty thousand
11 (60,000), but not including Oklahoma and Tulsa
12 counties;

13 10. "Child with a disability" means any child who has a
14 physical or mental impairment which substantially limits one or more
15 of the major life activities of the child, or who is regarded as
16 having such an impairment by a competent medical professional;

17 11. "Child-placing agency" means an agency that arranges for or
18 places a child in a foster family home, group home, adoptive home,
19 or a successful adulthood program;

20 12. "Community-based services" or "community-based programs"
21 means services or programs which maintain community participation or
22 supervision in their planning, operation, and evaluation.
23 Community-based services and programs may include, but are not
24 limited to, emergency shelter, crisis intervention, group work, case

1 supervision, job placement, recruitment and training of volunteers,
2 consultation, medical, educational, home-based services, vocational,
3 social, preventive and psychological guidance, training, counseling,
4 early intervention and diversionary substance abuse treatment,
5 sexual abuse treatment, transitional living, independent living, and
6 other related services and programs;

7 13. "Concurrent permanency planning" means, when indicated, the
8 implementation of two plans for a child entering foster care. One
9 plan focuses on reuniting the parent and child; the other seeks to
10 find a permanent out-of-home placement for the child with both plans
11 being pursued simultaneously;

12 14. "Court-appointed special advocate" or "CASA" means a
13 responsible adult volunteer who has been trained and is supervised
14 by a court-appointed special advocate program recognized by the
15 court, and when appointed by the court, serves as an officer of the
16 court in the capacity as a guardian ad litem;

17 15. "Court-appointed special advocate program" means an
18 organized program, administered by either an independent, not-for-
19 profit corporation, a dependent project of an independent, not-for-
20 profit corporation or a unit of local government, which recruits,
21 screens, trains, assigns, supervises and supports volunteers to be
22 available for appointment by the court as guardians ad litem;

23 16. "Custodian" means an individual other than a parent, legal
24 guardian or Indian custodian, to whom legal custody of the child has

1 | been awarded by the court. As used in this title, the term
2 | "custodian" shall not mean the Department of Human Services;

3 | 17. "Day treatment" means a nonresidential program which
4 | provides intensive services to a child who resides in the child's
5 | own home, the home of a relative, group home, a foster home or
6 | residential child care facility. Day treatment programs include,
7 | but are not limited to, educational services;

8 | 18. "Department" means the Department of Human Services;

9 | 19. "Dependency" means a child who is homeless or without
10 | proper care or guardianship through no fault of his or her parent,
11 | legal guardian, or custodian;

12 | 20. "Deprived child" means a child:

- 13 | a. who is for any reason destitute, homeless, or
14 | abandoned,
- 15 | b. who does not have the proper parental care or
16 | guardianship,
- 17 | c. who has been abused, neglected, or is dependent,
- 18 | d. whose home is an unfit place for the child by reason
19 | of depravity on the part of the parent or legal
20 | guardian of the child, or other person responsible for
21 | the health or welfare of the child,
- 22 | e. who is a child in need of special care and treatment
23 | because of the child's physical or mental condition,
24 | and the child's parents, legal guardian, or other

1 custodian is unable or willfully fails to provide such
2 special care and treatment. As used in this
3 paragraph, a child in need of special care and
4 treatment includes, but is not limited to, a child who
5 at birth tests positive for alcohol or a controlled
6 dangerous substance and who, pursuant to a drug or
7 alcohol screen of the child and an assessment of the
8 parent, is determined to be at risk of harm or
9 threatened harm to the health or safety of a child,

10 f. who is a child with a disability deprived of the
11 nutrition necessary to sustain life or of the medical
12 treatment necessary to remedy or relieve a life-
13 threatening medical condition in order to cause or
14 allow the death of the child if such nutrition or
15 medical treatment is generally provided to similarly
16 situated children without a disability or children
17 with disabilities; provided that no medical treatment
18 shall be necessary if, in the reasonable medical
19 judgment of the attending physician, such treatment
20 would be futile in saving the life of the child,

21 g. who, due to improper parental care and guardianship,
22 is absent from school as specified in Section 10-106
23 of Title 70 of the Oklahoma Statutes, if the child is
24 subject to compulsory school attendance,

- 1 h. whose parent, legal guardian or custodian for good
2 cause desires to be relieved of custody,
3 i. who has been born to a parent whose parental rights to
4 another child have been involuntarily terminated by
5 the court and the conditions which led to the making
6 of the finding, which resulted in the termination of
7 the parental rights of the parent to the other child,
8 have not been corrected, or
9 j. whose parent, legal guardian, or custodian has
10 subjected another child to abuse or neglect or has
11 allowed another child to be subjected to abuse or
12 neglect and is currently a respondent in a deprived
13 proceeding.

14 ~~Nothing in the Oklahoma Children's Code shall be construed to~~
15 ~~mean a child is deprived for the sole reason the parent, legal~~
16 ~~guardian, or person having custody or control of a child, in good~~
17 ~~faith, selects and depends upon spiritual means alone through~~
18 ~~prayer, in accordance with the tenets and practice of a recognized~~
19 ~~church or religious denomination, for the treatment or cure of~~
20 ~~disease or remedial care of such child.~~

21 ~~Nothing contained in this paragraph shall prevent a court from~~
22 ~~immediately assuming custody of a child and ordering whatever action~~
23 ~~may be necessary, including medical treatment, to protect the~~
24 ~~child's health or welfare;~~

1 21. "Dispositional hearing" means a hearing by the court as
2 provided by Section 1-4-706 of this title;

3 22. "Drug-endangered child" means a child who is at risk of
4 suffering physical, psychological or sexual harm as a result of the
5 use, possession, distribution, manufacture or cultivation of
6 controlled substances, or the attempt of any of these acts, by a
7 person responsible for the health, safety or welfare of the child,
8 as defined in paragraph 51 of this section. This term includes
9 circumstances wherein the substance abuse of the person responsible
10 for the health, safety or welfare of the child interferes with that
11 person's ability to parent and provide a safe and nurturing
12 environment for the child. The term also includes newborns who test
13 positive for a controlled dangerous substance, with the exception of
14 those substances administered under the care of a physician;

15 23. "Emergency custody" means the custody of a child prior to
16 adjudication of the child following issuance of an order of the
17 district court pursuant to Section 1-4-201 of this title or
18 following issuance of an order of the district court pursuant to an
19 emergency custody hearing, as specified by Section 1-4-203 of this
20 title;

21 24. "Facility" means a place, an institution, a building or
22 part thereof, a set of buildings, or an area whether or not
23 enclosing a building or set of buildings used for the lawful custody
24 and treatment of children;

1 25. "Failure to protect" means failure to take reasonable
2 action to remedy or prevent child abuse or neglect, and includes the
3 conduct of a non-abusing parent or guardian who knows the identity
4 of the abuser or the person neglecting the child, but lies, conceals
5 or fails to report the child abuse or neglect or otherwise take
6 reasonable action to end the abuse or neglect;

7 26. "Foster care" or "foster care services" means continuous
8 twenty-four-hour care and supportive services provided for a child
9 in foster placement including, but not limited to, the care,
10 supervision, guidance, and rearing of a foster child by the foster
11 parent;

12 27. "Foster family home" means the private residence of a
13 foster parent who provides foster care services to a child. Such
14 term shall include a nonkinship foster family home, a therapeutic
15 foster family home, or the home of a relative or other kinship care
16 home;

17 28. "Foster parent eligibility assessment" includes a criminal
18 background investigation including, but not limited to, a national
19 criminal history records search based upon the submission of
20 fingerprints, home assessments, and any other assessment required by
21 the Department of Human Services, the Office of Juvenile Affairs, or
22 any child-placing agency pursuant to the provisions of the Oklahoma
23 Child Care Facilities Licensing Act;

24

1 29. "Guardian ad litem" means a person appointed by the court
2 pursuant to the provisions of Section 1-4-306 of this title having
3 those duties and responsibilities as set forth in that section. The
4 term "guardian ad litem" shall refer to a court-appointed special
5 advocate as well as to any other person appointed pursuant to the
6 provisions of Section 1-4-306 of this title to serve as a guardian
7 ad litem;

8 30. "Guardian ad litem of the estate of the child" means a
9 person appointed by the court to protect the property interests of a
10 child pursuant to Section 1-8-108 of this title;

11 31. "Group home" means a residential facility licensed by the
12 Department to provide full-time care and community-based services
13 for more than five but fewer than thirteen children;

14 32. "Harm or threatened harm to the health or safety of a
15 child" means any real or threatened physical, mental, or emotional
16 injury or damage to the body or mind that is not accidental
17 including, but not limited to, sexual abuse, sexual exploitation,
18 neglect, or dependency;

19 33. "Heinous and shocking abuse" includes, but is not limited
20 to, aggravated physical abuse that results in serious bodily,
21 mental, or emotional injury. "Serious bodily injury" means injury
22 that involves:

- 23 a. a substantial risk of death,
- 24 b. extreme physical pain,

- c. protracted disfigurement,
- d. a loss or impairment of the function of a body member, organ, or mental faculty,
- e. an injury to an internal or external organ or the body,
- f. a bone fracture,
- g. sexual abuse or sexual exploitation,
- h. chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation which is repeated or continuing,
- i. torture that includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person, or
- j. any other similar aggravated circumstance;

34. "Heinous and shocking neglect" includes, but is not limited

to:

- a. chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child which results in harm to the child,

- 1 b. neglect that has resulted in a diagnosis of the child
2 as a failure to thrive,
- 3 c. an act or failure to act by a parent that results in
4 the death or near death of a child or sibling, serious
5 physical or emotional harm, sexual abuse, sexual
6 exploitation, or presents an imminent risk of serious
7 harm to a child, or
- 8 d. any other similar aggravating circumstance;

9 35. "Individualized service plan" means a document written
10 pursuant to Section 1-4-704 of this title that has the same meaning
11 as "service plan" or "treatment plan" where those terms are used in
12 the Oklahoma Children's Code;

13 36. "Infant" means a child who is twelve (12) months of age or
14 younger;

15 37. "Institution" means a residential facility offering care
16 and treatment for more than twenty residents;

17 38. a. "Investigation" means a response to an allegation of
18 abuse or neglect that involves a serious and immediate
19 threat to the safety of the child, making it necessary
20 to determine:

- 21 (1) the current safety of a child and the risk of
22 subsequent abuse or neglect, and

1 (2) whether child abuse or neglect occurred and
2 whether the family needs prevention- and
3 intervention-related services.

4 b. "Investigation" results in a written response stating
5 one of the following findings:

6 (1) "substantiated" means the Department has
7 determined, after an investigation of a report of
8 child abuse or neglect and based upon some
9 credible evidence, that child abuse or neglect
10 has occurred. When child abuse or neglect is
11 substantiated, the Department may recommend:

12 (a) court intervention if the Department finds
13 the health, safety, or welfare of the child
14 is threatened, or

15 (b) child abuse and neglect prevention- and
16 intervention-related services for the child,
17 parents or persons responsible for the care
18 of the child if court intervention is not
19 determined to be necessary,

20 (2) "unsubstantiated" means the Department has
21 determined, after an investigation of a report of
22 child abuse or neglect, that insufficient
23 evidence exists to fully determine whether child
24 abuse or neglect has occurred. If child abuse or

1 neglect is unsubstantiated, the Department may
2 recommend, when determined to be necessary, that
3 the parents or persons responsible for the care
4 of the child obtain child abuse and neglect
5 prevention- and intervention-related services, or

6 (3) "ruled out" means a report in which a child
7 protective services specialist has determined,
8 after an investigation of a report of child abuse
9 or neglect, that no child abuse or neglect has
10 occurred;

11 39. "Kinship care" means full-time care of a child by a kinship
12 relation;

13 40. "Kinship guardianship" means a permanent guardianship as
14 defined in this section;

15 41. "Kinship relation" or "kinship relationship" means
16 relatives, stepparents, or other responsible adults who have a bond
17 or tie with a child and/or to whom has been ascribed a family
18 relationship role with the child's parents or the child; provided,
19 however, in cases where the Indian Child Welfare Act applies, the
20 definitions contained in 25 U.S.C., Section 1903 shall control;

21 42. "Mental health facility" means a mental health or substance
22 abuse treatment facility as defined by the Inpatient Mental Health
23 and Substance Abuse Treatment of Minors Act;

1 43. "Minor" means the same as the term "child" as defined in
2 this section;

3 44. "Minor in need of treatment" means a child in need of
4 mental health or substance abuse treatment as defined by the
5 Inpatient Mental Health and Substance Abuse Treatment of Minors Act;

6 45. "Multidisciplinary child abuse team" means any team
7 established pursuant to Section 1-9-102 of this title of three or
8 more persons who are trained in the prevention, identification,
9 investigation, prosecution, and treatment of physical and sexual
10 child abuse and who are qualified to facilitate a broad range of
11 prevention- and intervention-related services and services related
12 to child abuse. For purposes of this definition, "freestanding"
13 means a team not used by a child advocacy center for its
14 accreditation;

15 46. "Near death" means a child is in serious or critical
16 condition, as certified by a physician, as a result of abuse or
17 neglect;

18 47. "Neglect" means:

19 a. the failure or omission to provide any of the
20 following:

21 (1) adequate nurturance and affection, food,
22 clothing, shelter, sanitation, hygiene, or
23 appropriate education,

24 (2) medical, dental, or behavioral health care,

- 1 (3) supervision or appropriate caretakers, or
2 (4) special care made necessary by the physical or
3 mental condition of the child,

4 b. the failure or omission to protect a child from
5 exposure to any of the following:

- 6 (1) the use, possession, sale, or manufacture of
7 illegal drugs,
8 (2) illegal activities, or
9 (3) sexual acts or materials that are not age-
10 appropriate, or

11 c. abandonment.

12 ~~Nothing in this paragraph shall be construed to mean a child is~~
13 ~~abused or neglected for the sole reason the parent, legal guardian~~
14 ~~or person having custody or control of a child, in good faith,~~
15 ~~selects and depends upon spiritual means alone through prayer, in~~
16 ~~accordance with the tenets and practice of a recognized church or~~
17 ~~religious denomination, for the treatment or cure of disease or~~
18 ~~remedial care of such child. Nothing contained in this paragraph~~
19 ~~shall prevent a court from immediately assuming custody of a child,~~
20 ~~pursuant to the Oklahoma Children's Code, and ordering whatever~~
21 ~~action may be necessary, including medical treatment, to protect the~~
22 ~~child's health or welfare;~~

23 48. "Permanency hearing" means a hearing by the court pursuant
24 to Section 1-4-811 of this title;

1 49. "Permanent custody" means the court-ordered custody of an
2 adjudicated deprived child when a parent-child relationship no
3 longer exists due to termination of parental rights or due to the
4 death of a parent or parents;

5 50. "Permanent guardianship" means a judicially created
6 relationship between a child, a kinship relation of the child, or
7 other adult established pursuant to the provisions of Section 1-4-
8 709 of this title;

9 51. "Person responsible for a child's health, safety, or
10 welfare" includes a parent; a legal guardian; custodian; a foster
11 parent; a person eighteen (18) years of age or older with whom the
12 child's parent cohabitates or any other adult residing in the home
13 of the child; an agent or employee of a public or private
14 residential home, institution, facility or day treatment program as
15 defined in Section 175.20 of Title 10 of the Oklahoma Statutes; or
16 an owner, operator, or employee of a child care facility as defined
17 by Section 402 of Title 10 of the Oklahoma Statutes;

18 52. "Protective custody" means custody of a child taken by a
19 law enforcement officer or designated employee of the court without
20 a court order;

21 53. "Putative father" means an alleged father as that term is
22 defined in Section 7700-102 of Title 10 of the Oklahoma Statutes;

23 54. "Reasonable and prudent parent standard" means the standard
24 characterized by careful and sensible parental decisions that

1 maintain the health, safety, and best interests of a child while at
2 the same time encouraging the emotional and developmental growth of
3 the child. This standard shall be used by the child's caregiver
4 when determining whether to allow a child to participate in
5 extracurricular, enrichment, cultural, and social activities. For
6 purposes of this definition, the term "caregiver" means a foster
7 parent with whom a child in foster care has been placed, a
8 representative of a group home where a child has been placed or a
9 designated official for a residential child care facility where a
10 child in foster care has been placed;

11 55. "Relative" means a grandparent, great-grandparent, brother
12 or sister of whole or half blood, aunt, uncle or any other person
13 related to the child;

14 56. "Residential child care facility" means a twenty-four-hour
15 residential facility where children live together with or are
16 supervised by adults who are not their parents or relatives;

17 57. "Review hearing" means a hearing by the court pursuant to
18 Section 1-4-807 of this title;

19 58. "Risk" means the likelihood that an incident of child abuse
20 or neglect will occur in the future;

21 59. "Safety threat" means the threat of serious harm due to
22 child abuse or neglect occurring in the present or in the very near
23 future and without the intervention of another person, a child would
24

1 likely or in all probability sustain severe or permanent disability
2 or injury, illness, or death;

3 60. "Safety analysis" means action taken by the Department in
4 response to a report of alleged child abuse or neglect that may
5 include an assessment or investigation based upon an analysis of the
6 information received according to priority guidelines and other
7 criteria adopted by the Department;

8 61. "Safety evaluation" means evaluation of a child's situation
9 by the Department using a structured, evidence-based tool to
10 determine if the child is subject to a safety threat;

11 62. "Secure facility" means a facility which is designed and
12 operated to ensure that all entrances and exits from the facility
13 are subject to the exclusive control of the staff of the facility,
14 whether or not the juvenile being detained has freedom of movement
15 within the perimeter of the facility, or a facility which relies on
16 locked rooms and buildings, fences, or physical restraint in order
17 to control behavior of its residents;

18 63. "Sibling" means a biologically or legally related brother
19 or sister of a child;

20 64. "Specialized foster care" means foster care provided to a
21 child in a foster home or agency-contracted home which:

- 22 a. has been certified by the Developmental Disabilities
23 Services Division of the Department of Human Services,
24 b. is monitored by the Division, and

1 c. is funded through the Home- and Community-Based Waiver
2 Services Program administered by the Division;

3 65. "Successful adulthood program" means a program specifically
4 designed to assist a child to enhance those skills and abilities
5 necessary for successful adult living. A successful adulthood
6 program may include, but shall not be limited to, such features as
7 minimal direct staff supervision, and the provision of supportive
8 services to assist children with activities necessary for finding an
9 appropriate place of residence, completing an education or
10 vocational training, obtaining employment, or obtaining other
11 similar services;

12 66. "Temporary custody" means court-ordered custody of an
13 adjudicated deprived child;

14 67. "Therapeutic foster family home" means a foster family home
15 which provides specific treatment services, pursuant to a
16 therapeutic foster care contract, which are designed to remedy
17 social and behavioral problems of a foster child residing in the
18 home;

19 68. "Trafficking in persons" means sex trafficking or severe
20 forms of trafficking in persons as described in Section 7102 of
21 Title 22 of the United States Code:

22 a. "sex trafficking" means the recruitment, harboring,
23 transportation, provision, or obtaining of a person
24 for the purpose of a commercial sex act, and

1 b. "severe forms of trafficking in persons" means:

2 (1) sex trafficking in which a commercial sex act is
3 induced by force, fraud, or coercion, or in which
4 the person induced to perform such act has not
5 attained eighteen (18) years of age, or

6 (2) the recruitment, harboring, transportation,
7 provision, or obtaining of a person for labor or
8 services, through the use of force, fraud, or
9 coercion for the purpose of subjection to
10 involuntary servitude, peonage, debt bondage, or
11 slavery;

12 69. "Transitional living program" means a residential program
13 that may be attached to an existing facility or operated solely for
14 the purpose of assisting children to develop the skills and
15 abilities necessary for successful adult living. The program may
16 include, but shall not be limited to, reduced staff supervision,
17 vocational training, educational services, employment and employment
18 training, and other appropriate independent living skills training
19 as a part of the transitional living program; and

20 70. "Voluntary foster care placement" means the temporary
21 placement of a child by the parent, legal guardian or custodian of
22 the child in foster care pursuant to a signed placement agreement
23 between the Department or a child-placing agency and the child's
24 parent, legal guardian or custodian.

1 SECTION 2. AMENDATORY 10A O.S. 2011, Section 1-4-201, as
2 amended by Section 3, Chapter 355, O.S.L. 2014 (10A O.S. Supp. 2016,
3 Section 1-4-201), is amended to read as follows:

4 Section 1-4-201. A. Pursuant to the provisions of this
5 section, a child may be taken into custody prior to the filing of a
6 petition:

7 1. By a peace officer or employee of the court, without a court
8 order if the officer or employee has reasonable suspicion that:

9 a. the child is in need of immediate protection due to an
10 imminent safety threat,

11 b. the circumstances or surroundings of the child are
12 such that continuation in the child's home or in the
13 care or custody of the parent, legal guardian, or
14 custodian would present an imminent safety threat to
15 the child, or

16 c. the child, including a child with a disability, is
17 unable to communicate effectively about abuse, neglect
18 or other safety threat or is in a vulnerable position
19 due to the inability to communicate effectively and
20 the child is in need of immediate protection due to an
21 imminent safety threat; or

22 2. By an order of the district court issued upon the
23 application of the office of the district attorney. The application
24 presented by the district attorney may be supported by a sworn

1 affidavit which may be based upon information and belief. The
2 application shall state facts sufficient to demonstrate to the court
3 that a continuation of the child in the home or with the caretaker
4 of the child is contrary to the child's welfare and there is
5 reasonable suspicion that:

6 a. the child is in need of immediate protection due to an
7 imminent safety threat,

8 b. the circumstances or surroundings of the child are
9 such that continuation in the child's home or in the
10 care or custody of the parent, legal guardian, or
11 custodian would present an imminent safety threat to
12 the child, or

13 c. the child, including a child with a disability, is
14 unable to communicate effectively about abuse, neglect
15 or other safety threat or is in a vulnerable position
16 due to the inability to communicate effectively and
17 the child is in need of immediate protection due to an
18 imminent safety threat.

19 The application and order may be verbal and upon being advised by
20 the district attorney or the court of the verbal order, law
21 enforcement shall act on such order. If verbal, the district
22 attorney shall submit a written application and proposed order to
23 the district court within one (1) judicial day from the issuance of
24

1 the verbal order. Upon approval, the application and order shall be
2 filed with the court clerk; or

3 3. By order of the district court when the child is in need of
4 medical or behavioral health treatment in order to protect the
5 health, safety, or welfare of the child and the parent, legal
6 guardian, or custodian of the child is unwilling or unavailable to
7 consent to such medical or behavioral health treatment or other
8 action, the court shall specifically include in the emergency order
9 authorization for such medical or behavioral health evaluation or
10 treatment as it deems necessary.

11 Nothing in this section shall prevent a court from ordering any
12 necessary action to protect the child's health or welfare,
13 notwithstanding that a parent, legal guardian or custodian of the
14 child is unwilling to consent to such action because he or she, in
15 good faith, select and depend upon spiritual means alone, in
16 accordance with the tenets and practice of a recognized church or
17 religious denomination, for the treatment, cure of disease or
18 remedial care of the child.

19 B. 1. By January 1, 2010, the Department in consultation with
20 law enforcement and the district courts shall develop and implement
21 a system for joint response when a child is taken into protective
22 custody by a peace officer pursuant to paragraph 1 of subsection A
23 of this section. The system shall include:

24

- 1 a. designation of persons to serve as contact points for
2 peace officers, including at least one backup contact
3 for each initial contact point,
- 4 b. a protocol for conducting a safety evaluation at the
5 scene where protective custody is assumed to determine
6 whether the child faces an imminent safety threat and,
7 if so, whether the child can be protected through
8 placement with relatives or others without the
9 Department assuming emergency custody,
- 10 c. the development of reception centers for accepting
11 protective custody of children from peace officers
12 when the Department is unable to respond at the scene
13 within a reasonable time period,
- 14 d. a protocol for conducting a safety evaluation at the
15 reception center within twenty-three (23) hours of the
16 assumption of protective custody of a child to
17 determine whether the child faces an imminent safety
18 threat and, if so, whether the child can be protected
19 through placement with relatives or others without the
20 Department assuming emergency custody, and
- 21 e. a protocol, when the child cannot safely be left in
22 the home, for transporting a child to the home of a
23 relative, kinship care home, an emergency foster care
24 home, a shelter, or any other site at which the

1 Department believes the child can be protected,
2 provided that the Department shall utilize a shelter
3 only when the home of a relative, kinship care home,
4 or emergency foster care home is unavailable or
5 inappropriate.

6 2. Beginning January 1, 2010, no child taken into protective
7 custody under paragraph 1 of subsection A of this section shall be
8 considered to be in the emergency custody of the Department until
9 the Department has completed a safety evaluation and has concluded
10 that the child faces an imminent safety threat and the court has
11 issued an order for emergency custody.

12 3. If the safety evaluation performed by the Department of a
13 child taken into protective custody under paragraph 1 of subsection
14 A of this section indicates that the child does not face an imminent
15 safety threat, the Department shall restore the child to the custody
16 and control of the parent, legal guardian, or custodian of the
17 child.

18 C. When an order issued by the district court pursuant to
19 subsection A of this section places the child in the emergency
20 custody of the Department of Human Services pending further hearing
21 specified by Section 1-4-203 of this title, an employee of the
22 Department may execute such order and physically take the child into
23 custody in the following limited circumstance:
24

1 1. The child is located in a hospital, school, or day care
2 facility; and

3 2. It is believed that assumption of the custody of the child
4 from the facility can occur without risk to the child or the
5 employee of the Department.

6 Otherwise, the order shall be executed and the child taken into
7 custody by a peace officer or employee of the court.

8 D. The court shall not enter a prepetition emergency custody
9 order removing a child from the home of the child unless the court
10 makes a determination:

11 1. That an imminent safety threat exists and continuation in
12 the home of the child is contrary to the welfare of the child; and

13 2. Whether reasonable efforts have been made to prevent the
14 removal of the child from the child's home; or

15 3. An absence of efforts to prevent the removal of the child
16 from the home of the child is reasonable because the removal is due
17 to an emergency and is for the purpose of providing for the safety
18 and welfare of the child.

19 E. Whenever a child is taken into custody pursuant to this
20 section:

21 1. The child may be taken to a kinship care home or an
22 emergency foster care home designated by the Department, or if no
23 such home is available, to a children's shelter located within the
24 county where protective or emergency custody is assumed or, if there

1 is no children's shelter within the county, to a children's shelter
2 designated by the court;

3 2. Unless otherwise provided by administrative order entered
4 pursuant to subsection F of this section, the child may be taken
5 before a judge of the district court or the court may be contacted
6 verbally for the purpose of obtaining an order for emergency
7 custody. The court may place the child in the emergency custody of
8 the Department or some other suitable person or entity pending
9 further hearing specified by Section 1-4-203 of this title;

10 3. The child may be taken directly to or retained in a health
11 care facility for medical treatment, when the child is in need of
12 emergency medical treatment to maintain the child's health, or as
13 otherwise directed by the court; provided, that the court may hold a
14 hearing to determine the necessity of such treatment and may take
15 into consideration the religious beliefs and practices of the child
16 and the parent, legal guardian or custodian of the child; or

17 4. The child may be taken directly to or retained in a
18 behavioral health treatment facility for evaluation or inpatient
19 treatment, in accordance with the provisions of the Inpatient Mental
20 Health and Substance Abuse Treatment of Minors Act, when the child
21 is in need of behavioral health care to preserve the child's health,
22 or as otherwise directed by the court; and

23 5. Unless otherwise provided by administrative order entered
24 pursuant to subsection F of this section, the district court of the

1 county where the custody is assumed shall be immediately notified,
2 verbally or in writing, that the child has been taken into custody.
3 If notification is verbal, written notification shall be sent to the
4 district court within one (1) judicial day of such verbal
5 notification.

6 F. The court may provide, in an administrative order issued
7 pursuant to this section, for the disposition of children taken into
8 custody and notification of the assumption of such custody.

9 1. Such order or rule shall be consistent with the provisions
10 of subsection E of this section and may include a process for
11 release of a child prior to an emergency custody hearing. The
12 administrative order shall not include a provision to modify
13 protective custody of a child to emergency custody of the Department
14 upon admission of a child to a shelter; and

15 2. The administrative order may require joint training of peace
16 officers and Department staff deemed necessary by the court to carry
17 out the provisions of the administrative order.

18 G. No child taken into custody pursuant to this section shall
19 be confined in any jail, adult lockup, or adult or juvenile
20 detention facility.

21 H. When a determination is made by the Department that there is
22 a significant risk of abuse or neglect, but there is not an imminent
23 safety threat to the child, the Department may recommend a court-
24 supervised and Department-monitored in-home placement. The

1 Department shall assist the family in obtaining the services
2 necessary to maintain the in-home care and correct the conditions
3 leading to the risk determination.

4 I. Any peace officer, employee of the court, or employee of the
5 Department is authorized to transport a child when acting pursuant
6 to this section. Such persons and any other person acting under the
7 direction of the court, who in good faith transports any child or
8 carries out duties pursuant to this section, shall be immune from
9 civil or criminal liability that may result by reason of such act.
10 For purposes of any proceedings, civil or criminal, the good faith
11 of any such person shall be presumed. This provision shall not
12 apply to damage or injury caused by the willful, wanton or gross
13 negligence or misconduct of a person.

14 J. A parent or person responsible for the child who is arrested
15 on a charge or warrant other than child abuse or neglect or an act
16 of child endangerment may designate another person to take physical
17 custody of the child. Upon this request, the peace officer may
18 release the child to the physical custody of the designated person.

19 SECTION 3. AMENDATORY 10A O.S. 2011, Section 1-4-203, as
20 amended by Section 2, Chapter 173, O.S.L. 2015 (10A O.S. Supp. 2016,
21 Section 1-4-203), is amended to read as follows:

22 Section 1-4-203. A. Within the next two (2) judicial days
23 following the child being taken into protective or emergency
24 custody, the court shall conduct an emergency custody hearing. At

1 the hearing, information may be provided to the court in the form of
2 oral or written reports, affidavits or testimony. Any information
3 having probative value may be received by the court regardless of
4 its admissibility under the Oklahoma Evidence Code. At the hearing
5 the court shall:

6 1. Determine whether facts exist that are sufficient to
7 demonstrate to the court there is reasonable suspicion that the
8 child is in need of immediate protection due to abuse or neglect, or
9 that the circumstances or surroundings of the child are such that
10 continuation of the child in the child's home or in the care or
11 custody of the parent, legal guardian, or custodian would present an
12 imminent danger to the child;

13 2. Advise the parent, legal guardian, or custodian of the child
14 in writing of the following:

- 15 a. any right of the parent, legal guardian, or custodian
16 to testify and present evidence at court hearings,
17 b. the right to be represented by an attorney at court
18 hearings,
19 c. the consequences of failure to attend any hearings
20 which may be held, and
21 d. the right to appeal and procedure for appealing an
22 order of the court;

23 3. Determine custody of the child and order one of the
24 following:

- 1 a. release of the child to the custody of the child's
2 parent, legal guardian, or custodian from whom the
3 child was removed under any conditions the court finds
4 reasonably necessary to protect the health, safety, or
5 welfare of the child, or
6 b. placement of the child in the custody of a responsible
7 adult or licensed child-placing agency under any
8 conditions the court finds reasonably necessary to
9 protect the health, safety, or welfare of the child,
10 or
11 c. whether to continue the child in or to place the child
12 into the emergency custody of the Department of Human
13 Services;

14 In determining appropriate conditions for the release of the
15 child, the court may take into consideration the religious beliefs
16 and practices of the child and the parent, legal guardian or
17 custodian of the child. However, nothing in this section shall
18 prevent a court from ordering any necessary action to protect the
19 child's health or welfare.

20 4. Order the parent, legal guardian, or custodian to complete
21 an affidavit listing the names, addresses, and phone numbers of any
22 parent, whether known or alleged, grandparent, aunt, uncle, brother,
23 sister, half-sibling, and first cousin and any comments concerning
24 the appropriateness of the potential placement of the child with the

1 relative. If no such relative exists, the court shall require the
2 parent, legal guardian, or custodian to list any other relatives or
3 persons with whom the child has had a substantial relationship or
4 who may be a suitable placement for the child;

5 5. Direct the parent, legal guardian, or custodian to furnish
6 the Department with a copy of the child's birth certificate within
7 fifteen (15) days from the hearing if a petition is filed, unless
8 otherwise extended by the court; and

9 6. In accordance with the safety or well-being of any child,
10 determine whether reasonable efforts have been made to:

- 11 a. place siblings, who have been removed, together in the
12 same foster care, guardianship, or adoptive placement,
13 and
14 b. provide for frequent visitation or other ongoing
15 interaction in the case of siblings who have been
16 removed and who are not placed together.

17 B. The office of the State Court Administrator shall create an
18 affidavit form and make it available to each court responsible for
19 conducting emergency custody hearings. The affidavit form shall
20 contain a notice to the parent, legal guardian, or custodian that
21 failure to identify a parent or relative in a timely manner may
22 result in the child being permanently placed outside of the home of
23 the child's parent or relative. The affidavit form shall also
24 advise the parent, legal guardian, or custodian of the penalties

1 associated with perjury and contempt of court. The original
2 completed affidavit shall be filed with the court clerk no later
3 than five (5) days after the hearing or as otherwise directed by the
4 court and a copy shall be provided to the Department.

5 C. 1. The Department shall, within thirty (30) days of the
6 removal of a child, exercise due diligence to identify relatives.
7 Notice shall be provided by the Department to the following adult
8 relatives: all grandparents, all parents of a sibling of the child,
9 where the parent has legal custody of the sibling, and other adult
10 relatives of the child, including relatives suggested by the
11 parents, as the court directs. The notice shall advise the
12 relatives:

- 13 a. the child has been or is being removed from the
14 custody of the parent or parents of the child,
- 15 b. of the options under applicable law to participate in
16 the care and placement of the child, including any
17 options that may be lost by failing to respond to the
18 notice, and
- 19 c. of the requirements to become a foster family home and
20 the additional services and supports available for
21 children placed in the home.

22 2. Relatives shall not be notified if notification would not be
23 in the best interests of a child due to past or current family or
24

1 domestic violence. The Department may promulgate rules in
2 furtherance of the provisions of this subsection.

3 SECTION 4. AMENDATORY 10A O.S. 2011, Section 1-4-306, as
4 amended by Section 1, Chapter 271, O.S.L. 2015 (10A O.S. Supp. 2016,
5 Section 1-4-306), is amended to read as follows:

6 Section 1-4-306.

7 A. 1. a. If a parent or legal guardian of the child requests
8 an attorney and is found to be indigent, counsel may
9 be appointed by the court at the emergency custody
10 hearing and shall be appointed if a petition has been
11 filed alleging that the child is a deprived child;
12 provided, that the court may appoint counsel without
13 such request, if it deems representation by counsel
14 necessary to protect the interest of the parent, legal
15 guardian, or custodian.

16 b. The court shall not be required to appoint an attorney
17 for any person other than a parent, or legal guardian
18 of the child pursuant to the provisions of this
19 paragraph.

20 2. a. The court may appoint an attorney or a guardian ad
21 litem for the child when an emergency custody hearing
22 is held; provided, that ~~when~~ an attorney or guardian
23 ad litem shall be appointed before the court may
24 release from state custody a child in need of medical

1 treatment if the parent, legal guardian or custodian,
2 in good faith, selects and depends upon spiritual
3 means alone, in accordance with the tenets and
4 practice of a recognized church or religious
5 denomination, for the treatment, cure of disease or
6 remedial care of such child. When a petition is filed
7 alleging the child to be deprived, the court shall
8 appoint a separate attorney for the child, who shall
9 not be a district attorney, regardless of any
10 attempted waiver by the parent, legal guardian or
11 custodian of the child of the right of the child to be
12 represented by counsel. The child's attorney shall be
13 independent of and not selected by the district
14 attorney, the child's parent, legal guardian, or
15 custodian. If financially capable, the parent, legal
16 guardian or custodian shall reimburse the Court Fund
17 for the services of a court-appointed attorney for the
18 child.

19 b. The attorney appointed for the child shall make
20 arrangements to meet with the child as soon as
21 possible after receiving notification of the
22 appointment. Except for good cause shown, the
23 attorney shall meet with the child prior to any
24 hearing in such proceeding. The attorney may speak

1 with the child over the telephone if a personal visit
2 is not possible due to exigent circumstances. If a
3 meaningful attorney-client relationship between the
4 child and the attorney is prohibited due to age or
5 disability of the child, the attorney shall contact
6 the custodian or caretaker of the child prior to the
7 hearing.

8 c. The attorney shall represent the child and any
9 expressed interests of the child. To the extent that
10 a child is unable to express an interest, either
11 because the child is preverbal, very young or for any
12 reason is incapable of judgment and meaningful
13 communication, the attorney shall substitute his or
14 her judgment for that of the child and formulate and
15 present a position which serves the best interests of
16 the child. Such formulation must be accomplished
17 through the use of objective criteria rather than
18 solely the life experience or instinct of the
19 attorney. The objective criteria shall include, but
20 not be limited to:

- 21 (1) a determination of the circumstances of the
22 child through a full and efficient
23 investigation,

- (2) assessment of the child at the moment of the determination,
- (3) examination of all options in light of the permanency plans available to the child, and
- (4) utilization of medical, mental health and educational professionals, social workers and other related experts.

The attorney shall make such further inquiry as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses, make recommendations to the court and participate further in the proceedings to the degree appropriate for adequately representing the interests of the child. A child is a party to all deprived proceedings and is therefore able to participate as fully as the parents and the district attorney in all aspects of the proceedings including, but not limited to, voir dire, cross examination, the subpoena of witnesses, and opening and closing statements.

3. The attorney shall be allowed a reasonable fee for such services as determined by the court.

4. When an attorney is required to travel to more than one district court location in order to represent a child or children

1 whom the attorney has been court-appointed to represent, the court
2 may in its discretion allow the attorney a reasonable reimbursement
3 for mileage.

4 5. The court shall ensure that the child is represented by
5 independent counsel throughout the pendency of the deprived action.

6 B. 1. After a petition is filed, the court shall appoint a
7 guardian ad litem upon the request of the child or the attorney of
8 the child, and may appoint a guardian ad litem sua sponte or upon
9 the request of the Department of Human Services, a licensed child-
10 placing agency, or another party to the action.

11 2. A guardian ad litem shall not be a district attorney, an
12 employee of the office of the district attorney, the child's
13 attorney, an employee of the court, an employee of a juvenile
14 bureau, or an employee of any public agency having duties or
15 responsibilities towards the child.

16 3. The guardian ad litem shall be appointed to objectively
17 advocate on behalf of the child and act as an officer of the court
18 to investigate all matters concerning the best interests of the
19 child. In addition to other duties required by the court and as
20 specified by the court, a guardian ad litem shall have the following
21 responsibilities:

22 a. review documents, reports, records and other
23 information relevant to the case, meet with and
24 observe the child in appropriate settings, including

1 the child's current placement, and interview parents,
2 foster parents, health care providers, child
3 protective services workers and any other person with
4 knowledge relevant to the case,

5 b. advocate for the best interests of the child by
6 participating in the case, attending any hearings in
7 the matter and advocating for appropriate services for
8 the child when necessary,

9 c. monitor the best interests of the child throughout any
10 judicial proceeding, and

11 d. present written reports on the best interests of the
12 child that include conclusions and recommendations and
13 the facts upon which they are based.

14 4. The guardian ad litem shall be given access to the court
15 files and agency files and access to all documents, reports, records
16 and other information relevant to the case and to any records and
17 reports of examination of the child's parent or other custodian,
18 made pursuant to the laws relating to child abuse and neglect
19 including reports generated by service providers.

20 5. On or before December 31, 2009, the Administrative Director
21 of the Courts shall develop a standard operating manual for
22 guardians ad litem which shall include, but not be limited to, legal
23 obligations and responsibilities, information concerning child
24 abuse, child development, domestic abuse, sexual abuse, and parent

1 and child behavioral health and management including best practices.
2 After publication of the manual, all guardians ad litem shall
3 certify to the court in which he or she is appointed as a guardian
4 ad litem that the manual has been read and all provisions contained
5 therein are understood. The guardian ad litem shall also certify
6 that he or she agrees to follow the best practices described within
7 the standard operating manual. The Administrative Director of the
8 Courts shall provide public access to the standard operating manual
9 and shall periodically review and revise the manual as deemed
10 necessary.

11 C. 1. Whenever a court-appointed special advocate program is
12 available to the court to serve as a guardian ad litem, priority may
13 be given to appointment of the court-appointed special advocate to
14 serve as guardian ad litem for the child regardless of whether a
15 guardian ad litem has been requested pursuant to the provisions of
16 this subsection.

17 2. For purposes of the Oklahoma Children's Code, a "court-
18 appointed special advocate" and a "guardian ad litem" shall have the
19 same function except as otherwise provided by law. In like manner,
20 a court-appointed special advocate, except as specifically otherwise
21 provided by law or by the court, shall have the same power, duties,
22 and responsibilities as assigned to a guardian ad litem by law and
23 shall have such other qualifications, duties, and responsibilities
24 as may be prescribed by rule by the Supreme Court.

1 3. A court-appointed special advocate shall serve without
2 compensation.

3 SECTION 5. AMENDATORY 10A O.S. 2011, Section 1-4-603, is
4 amended to read as follows:

5 Section 1-4-603. A. If the court finds that:

6 1. The factual allegations in a petition filed by the state
7 alleging that a child is deprived are supported by a preponderance
8 of the evidence;

9 2. Such allegations are sufficient to support a finding that
10 the child is deprived; and

11 3. It is in the best interests of the child that the child be
12 declared to be a deprived child and made a ward of the court,
13 then the court shall sustain the petition, and shall make an order
14 of adjudication finding the child to be deprived and shall adjudge
15 the child as a ward of the court.

16 Nothing in the Oklahoma Children's Code shall be construed to
17 mean a child is deprived solely because the parent, legal guardian
18 or custodian of the child, in good faith, selects and depends upon
19 spiritual means alone, in accordance with the tenets and practice of
20 a recognized church or religious denomination, for the treatment,
21 cure of disease or remedial care of such child, so long as the child
22 is not then in need of special treatment for illness, injury or
23 medical condition that may have serious debilitating consequences.

24

1 B. The order of adjudication shall include a statement that
2 advises the parent that failure to appear at any subsequent hearing
3 or comply with any requirements of the court may result in the
4 termination of parental rights to the child.

5 C. When a child has been adjudicated deprived, the court shall
6 enter a dispositional order pursuant to the provisions of Section 1-
7 4-707 of this title.

8 D. When a child has been adjudicated deprived, the parent or
9 other legal custodian shall register with the court clerk within two
10 (2) days of the adjudication and provide a valid, current address or
11 other place where the parent or other legal custodian may be served
12 with a summons. In the event that the address or place where the
13 parent or legal custodian may be served a summons changes during the
14 course of the litigation, the parent or other legal custodian shall
15 have the obligation of filing a change of address form with the
16 clerk. In the event that an amended petition or motion is filed,
17 the address listed on the form of the court clerk shall constitute
18 the last-known address of the parent or other legal custodian unless
19 the state has actual knowledge of the parent or other legal
20 custodian's location.

21 SECTION 6. AMENDATORY 10A O.S. 2011, Section 1-4-703, is
22 amended to read as follows:

23 Section 1-4-703. A. ~~After a petition has been filed~~ Upon the
24 assumption of custody of a child pursuant to the provisions of the

1 Oklahoma Children's Code, the court may order the child to be
2 examined and evaluated by a physician or other appropriate
3 professional to aid the court in making the proper disposition
4 concerning the child. The court may order a behavioral health
5 evaluation of a child as provided by the Inpatient Mental Health and
6 Substance Abuse Treatment of Minors Act.

7 B. After adjudication and at the request of a judge in any
8 juvenile proceeding, the Department of Human Services shall
9 investigate the home conditions and environment of the child and the
10 financial ability, occupation and earning capacity of the parent,
11 legal guardian or custodian of the child. Upon request by the court
12 of another state, the Department may conduct a similar
13 investigation.

14 SECTION 7. This act shall become effective November 1, 2017.

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